

CONSERVATION EASEMENT

Attachment # 3A
Page 1 of 6

STATE OF FLORIDA:

COUNTY OF LEON:

THIS CONSERVATION EASEMENT is hereby made on this 17th day of February, 2004, by Richard S. Kearney, whose mailing address is 1700 Summit Lake Drive, Tallahassee, FL 32317, hereinafter referred to as the "Grantor," to LEON COUNTY, FLORIDA, a political subdivision of the State of Florida, whose mailing address is Board of County Commissioners, 301 South Monroe Street, Tallahassee, Florida 32301, hereinafter referred to as the "Grantee."

WITNESSETH:

For and in consideration of the mutual promises and other good and valuable consideration as set forth herein, the receipt and sufficiency of which is hereby acknowledged, the Grantor does hereby grant to the Grantee, its successors and assigns, a perpetual Conservation Easement in accordance with Section 704.06, Florida Statutes, over and across the real property more particularly described on Exhibit "A", which is attached hereto and expressly incorporated herein, on the terms and conditions hereinafter set forth:

The following activities are prohibited within this easement, pursuant to Section 704.06, Florida Statutes:

1. Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures above or on the ground.
2. Dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials.
3. Removal or destruction of trees, shrubs, or other vegetation.
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.
5. Surface use except for purposes that permit the land or water area to remain predominately in its natural condition.
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife conservation habitat preservation.
7. Acts or uses detrimental to such retention of land or water areas.
8. Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archeological, or cultural significance.

Notwithstanding the foregoing, the activities set forth in Exhibit "B", which is attached hereto and expressly incorporated herein, shall be allowed within the easement. Exhibit "B" also addresses other terms and conditions of this easement.

It is understood that the granting of this easement entitles the Grantee to enter the above described land in a reasonable manner and at reasonable times to assure compliance with the conditions of this easement.

Grantor hereby fully warrants the title to said real property and will defend the same against the lawful claims of all persons whomsoever claimed by, through or under it, that it has good rights and lawful authority to grant this easement and that the same is unencumbered. Where the context of this easement requires, allows or permits, the same shall include the successors or assigns of the parties.

The easement granted hereby shall run with the land and shall enure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, Grantor has caused these covenants to be executed and its seal to be affixed hereto on the day and year first above written.

GRANTOR

Richard S. Kearney
(Name Typewritten)

Richard S. Kearney
(Signature)

WITNESSES:

Ann K. Sineath
(Signature)

Ann K. Sineath
(Print Name)

Bennie M. Shaw
(Signature)

Bennie M. Shaw
(Print Name)

STATE OF FLORIDA

COUNTY OF LEON

The foregoing instrument was acknowledged before me this 17th day of FEBRUARY, 2004, by RICHARD S KEARNEY,
(name of person acknowledging)
who is personally known to me or who has produced driver license
(type of identification)
as identification.

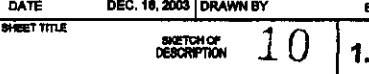
Natascha A. Becker
(Signature of Notary)

NATASCHA A BECKER
(Print, Type or Stamp Name of Notary)

(Title or Rank)

(Serial Number, If Any)





CONSERVATION EASEMENT MANAGEMENT & MAINTENANCE PLAN

Notice: This plan does not necessarily provide exemption from any other applicable local, state, or federal regulations.

A. The Following Activities Are Allowed Within All Portions of Conservation Easement Area:

1. Eradication of invasive and nuisance plant species through the application of herbicides or by physical removal of such plants. Herbicides must be applied in accordance with the manufacturer's labeling. As used herein, "invasive" species are those plants listed by the Florida Exotic Pest Plant Council's (EPPC) List of Invasive Species. "Nuisance" species are native plants not listed by the EPPC but are considered undesirable due to their competitive effects, such as grapevine, cattail, dog fennel, catbriar, etc. The Leon County Department of Growth and Environmental Management, or its successor, must be contacted prior to the eradication of nuisance plants to ensure the County agrees with designating the particular plant species as being a nuisance species.
2. Any other activities specifically authorized by an Environmental Management Permit issued by the Leon County Department of Growth and Environmental Management or its successor.

B. Special Activities Allowed:

The activities listed below shall be allowed within certain portions of the conservation easement referenced below and identified in Figure 1, which is attached hereto and made part of this Conservation Easement Agreement by reference.

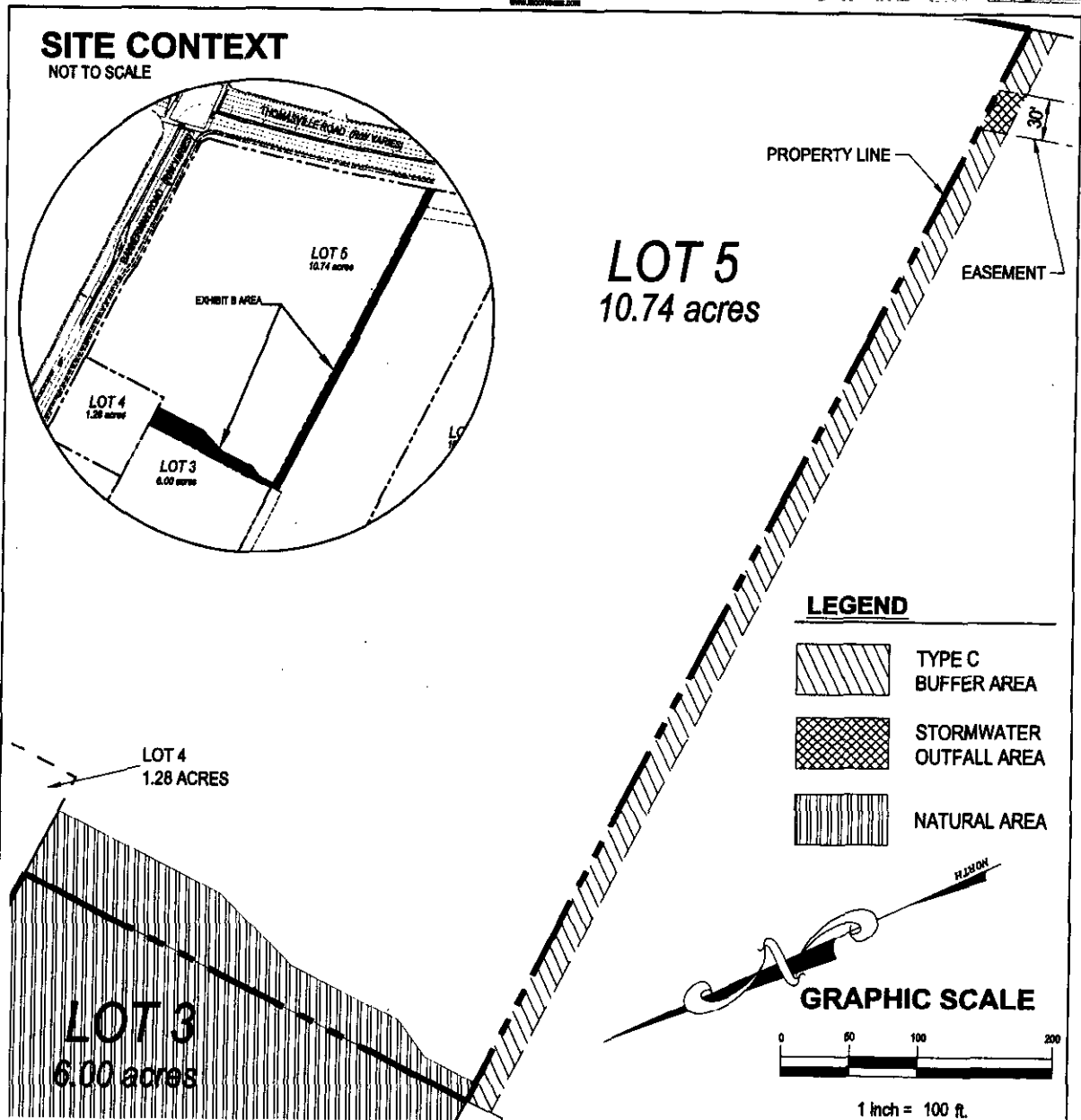
1. The following activities are allowed within that portion of the Conservation Easement identified in Figure 1 as the "Type C Buffer Area":
 - (a) Existing vegetation can be replaced and/or augmented with landscape materials as long as any vegetation installed are native plant species. Planting of invasive species is prohibited.
 - (b) Minor grading and related topographic alterations necessary for the development of Lot 5.
 - (c) Installation and operation of irrigation systems.
 - (d) Maintenance activities necessary to properly maintain and manage installed landscape materials, installed irrigation systems, and preserved vegetation.
2. The following activities are allowed within that portion of the Conservation Easement identified in Figure 1 as the "Stormwater Outfall Area":
 - (a) Installation of stormwater structures and culverts (stormwater facilities), together with all clearing, excavation, filling, and grading activities necessary to install these facilities.
 - (b) Maintenance activities necessary to properly maintain the installed stormwater facilities, including, but not limited to, replacement of these facilities.
 - (c) All the activities authorized within the "Type C Buffer Area" as listed in subsection B.1.
3. The following activities are allowed with that portion of the Conservation Easement identified in Figure 1 as the "Natural Area":
 - (a) Limited clearing and pruning of vegetation necessary to establish nature trails or pedestrian pathways used for passive recreation purposes. The location of these trails or pathways must be

located so as to avoid impacts to native trees and other desirable native vegetation to the greatest extent practicable.

- (b) Maintenance activities necessary to properly maintain the nature trails or pedestrian pathways.
 - (c) Planting of native species that are adapted to local site conditions. Any proposed planting of additional vegetation shall first be submitted to the Leon County Department of Growth and Environmental Management, or its successor, for review and approval.
4. Other activities allowed:
- (a) Fencing and gates can be installed and maintained along the perimeter of the Conservation Easement area as follows: along the common boundary shared by Lot and Lot 5 and along the southern, western, and eastern boundaries of that portion of the Conservation Easement area located in Lot 1. Fence and gate installation and maintenance shall minimize impacts to native vegetation to the greatest extent practicable.

C. General Maintenance of the Conservation Easement Area:

Efforts should be made to maintain and manage the Conservation Easement area such that the average percent cover accounted for by invasive plant species does not exceed 5 percent and the average percent cover accounted for by nuisance plant species does not exceed 10 percent. Immediately following a maintenance event, the average percent cover by invasive and nuisance plant species should be as close to 0 percent as possible.



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CLIENT NAME
RICK KEARNEY
1706 SUMMIT LAKE DRIVE TALLAHASSEE, FL 32311

FILE #	2003-120	55426-EXHIBIT-B.dwg
CONTRACT #	554.026	ARCHIVE
DATE	02/10/04	DRAWN BY SAW
PROJECT NAME	LEON COUNTY BRADFORDVILLE COMMERCIAL	SHEET TITLE EXHIBIT B: FIGURE 1
		1.0

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